

July 18, 2002

**Background
Information**
from
**Congressman
Joe Pitts**



www.house.gov/pitts
202 225-2411

Transforming Government for the 21st Century

Summary of the Chairman's Mark for a Bill Establishing a Department of Homeland Security

The standing committees of the House of Representatives have recommended improvements to the President's proposal. The Chairman's mark incorporates many of these improvements while preserving the essential functions outlined in the President's plan. It will serve as a basis for Friday's mark up.

Protecting Our Borders

The first step in defending America from the enemies of freedom is to ensure that our borders are secure. That is why this draft ensures the border function remains strong within the new Department.

Coast Guard Moves to DHS

Because the longest borders in our country are our coasts, the Coast Guard will play an essential role within the new Department. *This draft essentially accepts the Government Reform Committee's recommendation.*

Customs Service Moves to DHS

The U.S. Customs Service describes itself as the primary enforcement agency protecting the Nation's borders and will move to the new Department. Some revenue collection agents, however, will be subject to guidance from the Treasury Department. *This draft essentially accepts the recommendation of the Ways and Means Committee.*

Border Functions at APHIS Move to DHS

Those inspectors at the Animal Plant Health Inspection Service (APHIS) who currently protect our borders will move into the new Department. All other functions of this agency will remain with the Agriculture Department. *This draft closely reflects the recommendations of the Agriculture Committee.*

INS Enforcement Functions Move to DHS

Enforcement and border protection functions at the Immigration and Naturalization Service (INS) will move to the new Department. Immigrant service functions will remain at the Department of Justice. *This draft essentially accepts the recommendation of the Judiciary Committee.*

DHS Provides Rules for Entry into the Country

The State Department and consular officials will continue to issue visas, but they will do so under rules established by the Department. *This draft essentially accepts the recommendation of the Judiciary and International Relations Committees.*

Securing Privacy

Because the Department has a singular mission of protecting the freedoms of Americans, specific legal protections will ensure that freedom is not undermined.

National ID Card Ban

The federal government will not have the authority to nationalize drivers' licenses and other ID cards. Authority to design and issue these cards shall remain with the states. The use of biometric identifiers and Social Security numbers with these cards is not consistent with a free society. (Congress has acted several times to prohibit funding for a national ID card.)

Citizens Will Not Become Informants

To ensure that no operation of the Department can be construed to promote citizens spying on one another, the this draft will contain language to prohibit programs such as "Operation TIPS."

Establishes a Privacy Officer

Working as a close advisor to the Secretary, this officer will ensure technology research and new regulations from the Department respect the civil liberties our citizens enjoy. This is the first-ever such officer established by law in a cabinet department. *This draft essentially accepts the recommendation of the Judiciary Committee.*

Ensuring Accountable Government

Congress serves as a check on the powers of the Executive Branch. These protections ensure the balance of power is not upset.

Ban on Overly Broad Regulatory Authority

The legislation makes it clear that the Secretary will not be able to assume any regulatory authority not specifically granted to him by Congress.

Ban on Overly Broad Reorganization Authority

A Secretary will not be able to undo agencies that have been specifically established by law.

Ban on Overly Broad Funding Authority

Although the Secretary will require a great deal of flexibility in setting up this new Department, he will not have the ability to fund programs outside of the authority of Congress.